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HONOLULU, H. T., FRIDAY DECEMBER 6, 1901.—SEMI-WEEKLY.

WHOLE No. 2889.

FIGHT ON DOLE IS GIVEN UP

Dark Night on for Committeeman Stewart.

(From Wednesday's daily.)

IF THERE is anything in the signs, the passing of Tis MaChance Stewart is at hand. After permitting himself to voice at length what was interpreted by his followers as being an expression of lack of confidence in the Governor he last evening quit the fight without a final bark, and when he tried to secure the passage of a resolution, which would dictate to outside members of the executive committee to whom they might send their proxies, he could muster only three votes beside those he controlled by reason of proxies.

The feature of the meeting of the Republican Central Committee last evening was the complete backing down of the men who thought they could secure the adoption of a resolution in which even in the most remote way the name of Governor Dole could be connected with a vacancy in the office which he fills. So complete was the defeat of the plan of the wing which had for its aim the discrediting of the executive, that it was recognized and when the interment of the Stewart resolution was had it was the father who said the last sad words. The publication of the statement of the Governor in the Advertiser, settling at rest all question as to his intention in the matter of tenure of office, cut from under the factious opposition all its ground, and left nothing but surrender in sight.

When the committee had been called to order, and it was found that there were twenty-six votes in sight, the resolution of Stewart was called up for action. Immediately Col. J. H. Fisher offered the following as an amendment and without much discussion it was adopted, the mover of the original seconding it, and asking that it go through without a roll call:

Whereas, the Territory of Hawaii is a long distance off from the mainland, and without daily and rapid mail or telegraphic communication with the national capital.

Whereas, the republican party is regularly organized within the said Territory and the management of the said party duly placed in the charge of a Territorial Central Committee, representative of all the districts of the several Islands of the group; the said Territorial Central Committee having been appointed by a convention the members of which were properly elected by the voters of the republican party, as primaries duly held for that purpose, be it

Resolved, that this Territorial Committee, through our member of the National Republican Committee, respectfully requests of the President that in filling any vacancies arising in the Territory, affairs of this Territory, that the appointments to fill such vacancies be delayed long enough that this committee may be heard from in the premises.

Before the matter was disposed of, J. P. Cooke announced that he in company with Committeemen Wright and Lane, had visited the Governor and received definite announcement that Mr. Dole had no intention of resigning. He said that the Governor in answer to Mr. Wright had said he could see no reason why the committee should not be apprised as early as anyone else of any such intention on his part. On motion of Fisher the secretary was directed to send copies of the resolution certified to the national committee.

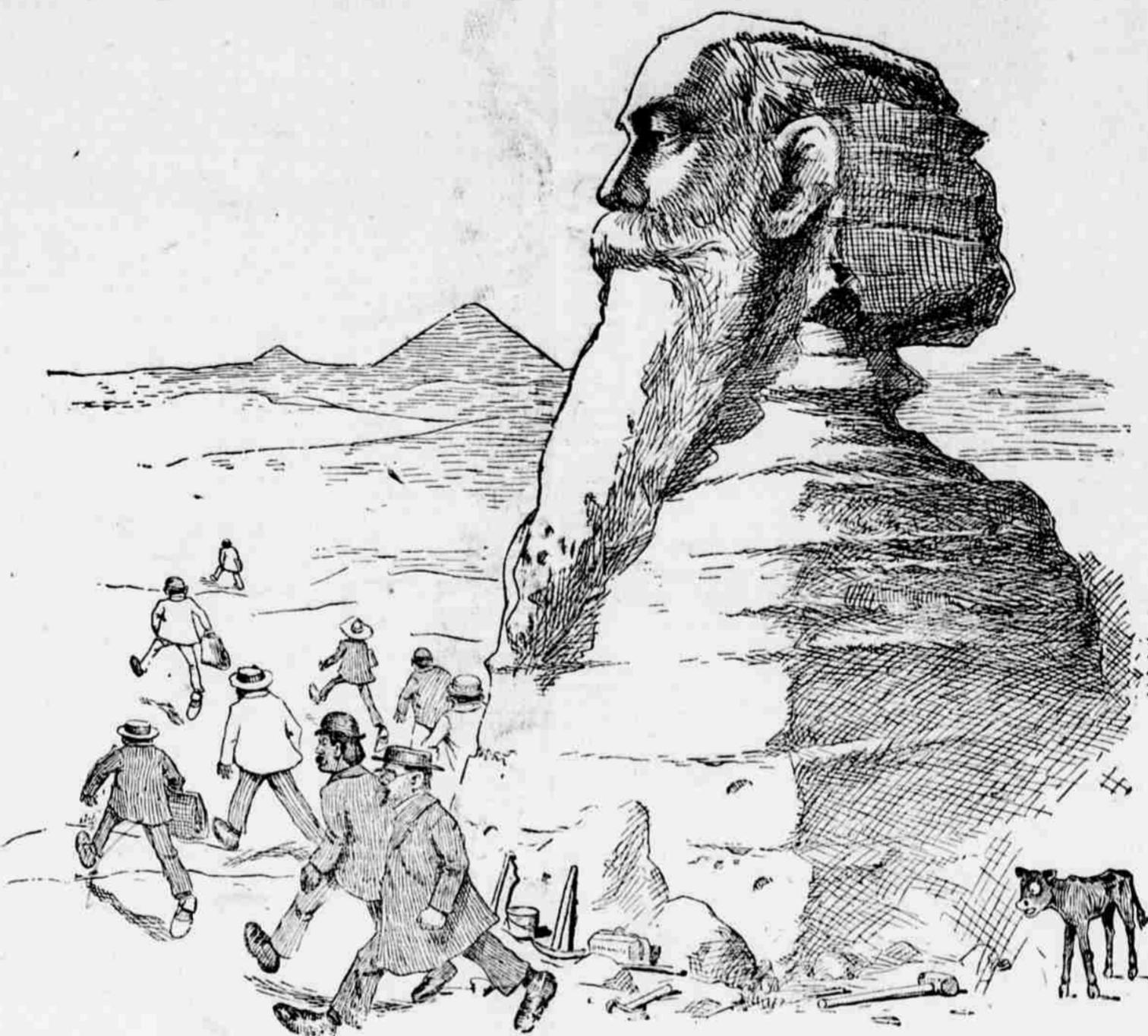
Stewart had another idea of a plan to prevent any possible chance of a vote against him in the executive committee, as he has heretofore been able to control the votes of his fellows from the Fifth district, and then offered the following:

Resolved, that the use of special proxies shall not be limited, but that no general proxies shall be used by members of the Fourth or Fifth districts in the executive committee unless the same be equally divided between said districts; that a general proxy is one allowing the holder to vote at will, and special proxy is one directing the holder how to vote on a specific proposition.

He began to talk about the need for the maintenance of the equality between the two districts, taking the ground that there was danger of some of the rights of the Fifth District being in jeopardy. So constantly did he harp upon this feature that one member interrupted to say to the speaker: "You must see a bugaboo in the Fourth."

Stewart said there was a feeling in the Fifth that there was a disposition to debar those people from party management, and that the proxy matter had caused trouble in the past, and would make more in the future. There were several questions, and then the orator lost his temper a little, saying to Cooke, when a point was made: "Your proxies die hard, don't they?" and to Gilman, who suggested that there was no trouble in the districts except that made by Stewart, "I have had enough of you in the charter fight." But it was not to be. After an explanation that the effect of the resolution would be to dictate to whom out-

THE SPHINX STANDS PAT.



GIVING IT UP AS A BAD JOB.

NO ARRESTS YET IN MURDER CASE

side members might send proxies, the resolution was voted down, nine for to thirteen against. During the voting Secretary Hendry said that Sandow was the only regular member of the committee from Kauai, and as this point had been made on memory by Stewart, at the previous meeting, it was arranged by the election of John A. Palmer, T. H. Brandt and W. G. Smith. The matter had been fairly passed up to this point, but the humor was interjected by the suggestion on the part of Stewart and Jones that something be done in the matter of the election at Hilo. Wright called attention to the fact that as every party had endorsed Lewis, as the wireless telegraph was out of order, and the last steamer before the election which is to be held next week had gone, the secretary might send congratulations to Lewis. Stewart began to take himself seriously, however, and insisted that it was neglect on the part of the committee that lost the last election, and that caused the resignation of Gibbs, but it was no use, the members of the committee could see no other than the funny side of the proposition, owing to the short time, and so adjourned after accepting the resignation of James Gibbs of Paauhau, and asking F. B. McStockier of Oahu to see that another committee man was chosen in his place.

Alameda and Peru Race.

Local waterfronters and seafarers men are at present speculating as to whether the Oceanic steamship Alameda will reach San Francisco before the Pacific Mail boat Peru, or not. The Peru, which sailed for San Francisco at 5 o'clock last night, will have a start of over twenty hours ahead of the Alameda, which will not sail before this afternoon, but as the Peru is not due at San Francisco before the afternoon of the 10th, and will probably only run schedule time, and as the Alameda has been making some very fast runs since she was furnished with new engines a short time ago, there is quite a probability that the Oceanic liner will reach her home port before the Peru arrives there. The Alameda is not due in San Francisco before the 11th, but as she is able to make between 265 and 375 miles a day without pushing, she should be able to make port easily before that if she meets

"I didn't he have his revolver with him?"

"I always carry mine with me," continued Peterson, and as he spoke he drew a gun from his hip pocket and showed it to Mrs. Lubbeck.

Mrs. Lubbeck told Peterson that her husband had left his gun at home and that it was then in his desk. Peterson then peered into two of the rooms and when Frank Lubbeck approached him he made some remark as to where the revolver was kept. Frank told him that it was none of his business, and the man cleared out of the house.

Frank Lubbeck asserts that he previously met Peterson outside the house, and that Peterson told him that there was a cut on his father's head. Frank asked him how he knew, and Peterson replied that someone had told him.

It certainly seems strange that after conversing with Frank Lubbeck about his father's death, Peterson should ask Mrs. Lubbeck where her husband was.

Longshoremen Make Money.

The local quartermaster's department is giving employment to the longshoremen of this city. An idea of the amount of money spent on labor by the department can be formed when it is known that during Saturday and yesterday over \$2,600 were paid out to the men who had been working with the coal. All the men employed by the department are American citizens, and preference is given to Hawaiians, although there is also a great number of Portuguese employed. As all the money earned by these people is spent here and kept here, it can be seen what a valuable thing the transport service is proving itself to be for this port.

Marshal Ney is Captured.

Emil Nel, the proud descendant of a French warrior, and bailiff of Judge Gear's court, fell into the hands of the enemy last night, landing at the police station, with the charge of drunk against his eminent name on the calendar. It was probably because of too strict adherence to his famed grandfather's motto, "The guard fails, but death not," that Ney was captured by a humble adherent of the local police force. At the station house Ney leaned against the bargain counter with one hand and gesticulated eloquently with the other. As an officer of the court he had a right to know for what crime he was incarcerated, etc. It was all in vain, however, and Ney was led down into the tank to ponder through the still hours of night. "Sic transit gloria mundi."

Two Driggs-Schroeder guns have been given to the National Guard now that Camp McKinley's new gatling guns are being set up. More guns are expected to arrive from Manila.

Collectors Make Important Ruling.

Although no official notification has been received as yet it now seems practically certain that the duty on steam plows will be reduced from 45 to 20 per cent. For a long time the Treasury Department has contended that steam plows should be classed as manufactured iron for which no provision has been made, paying a duty of 45 per cent, instead of classing them with ordinary plows, for which the duty is only 20 per cent. The local customs department at first classed steam plows as plows with a 20 per cent duty, but received notification that they should be classed as manufactured iron, the department arguing that they could be put to use as traction engines and other things for which an ordinary plow could not be used. Collector of the Port of Stackable did all in his power to persuade the department that a steam plow was a plow, and not a traction engine, even taking the trouble of sending to the department descriptions and pictures of the steam plows and their working methods, but it was all of no avail. Steam plows are very much used on the plantations of these Islands, where they are absolutely necessary on the large sugar estates on account of their labor saving value, and as these plows can plow much better and deeper than any plow drawn by animal power could do. The almost prohibitive duty, however, made the importation of these valuable engines a costly thing.

The hardship of this immense duty has also been felt very much in the States, and finally Oxnard, a well-known sugar beet planter, decided to attempt to have the ruling of the department changed. To this end, he recently imported a steam plow to the States through New Orleans, and put up a sufficient bond to secure the payment of the charge instead of paying duty. The machine was taken to the beet sugar estates, put together and set to work. After it was working Oxnard invited the collectors and appraisers of both San Francisco and New Orleans to come out and see the machine at work, in order that they could give a fair ruling as to whether the steam plow should be rated as a plow or otherwise. After inspecting the machine and its method of working both the collectors of San Francisco and New Orleans ruled that the steam plow should be classed as a plow, and consequently be subject to a duty of only 20 per cent, and it is extremely probable that backed by the rulings of the collectors of those two large ports, these useful engines will be admitted under the cheaper rate.

Queen Draws Upon Appropriation.

The statement has appeared in the Mainland newspapers that Liliuokalani has refused to accept the appropriation of \$15,000 for the present biennial period made by the last Legislature, and that she is on the way to Washington to press her claim for \$250,000 for the crown lands. It is stated here that the Queen has regularly received \$205 per month from the Territorial treasury since the appropriation was made, and that the receipts were signed for her by J. O. Carter.

KAULIA WANTS THE JOB.

He Would Like to Succeed Wilcox at Washington.

J. K. Kaulia, the ardent Home Rule politician, whose platform in the last campaign was based upon his campaign slogan of "snakes," has the Delegate-to-Congress bee in his pocket. The ex-leader of the Home Ruler and anti-haole party has recently given utterance around the sacred halls of the police station to his aspirations, and there is no Territorial job he would like better than that of representing the Islands in the House of Representatives. In other words, Mr. Kaulia is of the opinion that he can fill the shoes of Delegate Wilcox to the satisfaction of all the residents of Hawaii.

The boys at the police station were joshing him about the Advertiser cartoon of himself published recently.

"That's all right; these cartoons go to Washington; when I arrive there as delegate from Hawaii, they will all know who I am, and I won't have any trouble in being recognized."

Coal for the Wisconsin.

Yesterday was a very busy day along the Naval wharves. At wharf No. 2 the American ship Roanoke was discharging Pocahontas coal, and on the other side the British ship Euphrates was piling out Cardiff coal, also consigned to the navy. Teams were busy carting the coal over to wharf No. 1, where it was put into the Naval department's two large barges, prepared to take it out to the Wisconsin. As coal is expensive in South American ports, to which the Wisconsin is going, the battleship will take on board a larger amount than had been originally decided. She is to take 1,000 tons altogether, of which 750 tons will be taken in bulk, while the remaining 250 tons will be taken in bags. A force of men were busy putting the coal into bags yesterday. The coal barges will be towed out to the Wisconsin by the tug Iroquois as soon as the heavy swell which has been running outside has subsided.

Last Call for Sewall.

A large party of prominent Honoluluans departed yesterday on the Alameda for the Coast, some of them bound for Washington to take a peep at Congress and to buttonhole a few of the government officials on one matter or another. Judge Gear and Geo. A. Davis go east, it being generally understood that their mission is to urge the appointment of Harold Sewall of Maine for Governor of Hawaii.

Metal Paper Mail Boxes.

A dozen metal boxes for newspaper and other packages intended for the mails are at present in storage at the postoffice awaiting assignment of locations in various parts of the city. The boxes are about three feet high and two feet wide, and are each capable of holding hundreds of papers in wraps. These are soon to be placed in convenient places down town and in the residence districts as receptacles for newspapers prepared for the mails.

COFFERS ARE FULL

Three Quarters of a Million in the Treasury.

The average man would think it to be a long ways between three-quarters of a million dollars and a busted treasury, but it is the former condition that confronts the Territory of Hawaii just at present. The monthly report just made by Treasurer Wright to Auditor Austin gives in round numbers \$175,000 as the amount in the Territorial treasury, and it is the opinion of the latter that the funds now on hand will keep the wheels of government running for more than six months from the present date.

Not only have the tax collections been unusually heavy, but revenues from other sources, increased valuations, etc., will easily bring the grand total up to \$500,000 more than last year, or a grand total for the year of about \$1,750,000.

The total collections for the month of November would indicate an even larger excess over that of last year than estimated by Auditor Austin. The total receipts for the month were \$1,164,485.24, while in November, 1900, the receipts were but \$56,653.35. For taxes alone the receipts amounted to \$1,055,532, as against only \$403,882 for the same period last year. The income tax accounts for the greater part of the increase, though there has been a general increase in receipts from almost every source. There was an increase of nearly \$2,000 in fines and costs, of about \$2,000 in the land department, and of over \$20,000 in the Public Works Department.

The expenditures for the month show an increase of less than \$16,829, as against \$15,431 of November in 1900. Of this increase nearly \$4,000 is attributed to the Judiciary Department, \$2,000 to the Department of Public Instruction, and \$6,000 to the Public Works Department. The total expenditures for the month were really less than those of a year ago, because there were no loan fund expenditures this month. The actual cash paid out was the largest amount in the history of the Territory or republic, as some \$600,000 were paid to satisfy outstanding warrants. There are now outstanding warrants to the amount of \$5,417 still unpaid.

"There is now in the Treasury about three-quarters of a million dollars," said Auditor Austin yesterday. "At the end of the year there should be a cash balance in the Treasury of over \$500,000, though we will not close accounts at that time, as this is only done biennially. The increase in the revenue for the year over that of 1900 will approximate half a million dollars. There is an increase all along the line, not only from the income tax, but from higher valuations and the numerous new enterprises.

"The real reason for the scarcity of money is the loss of the customs duties, which amounted to \$300,000 a month, and which the United States government now collects to the amount of \$125,000 monthly. The merchant tax is also gone now, the law having been declared invalid. The treasury is in very good shape at present, and the funds on hand will pay all expenses for the next six months and more. The income tax will amount to about \$50,000. All taxes have not been returned yet, and there will be a considerable increase over the figures given."

THE PACIFIC CABLE.

Reasons for Awarding the Contract to an English Firm.

NEW YORK, Nov. 29.—Geo. Ward, first vice president of the Commercial Cable Company, said, in an interview, when asked why the contract for a Pacific cable had not been awarded to an American company:

"The Commercial Pacific Cable Company would have been very happy to give an American company its contracts, but there is no company in the United States that could, we felt, perform the work. They have not the machinery, and could not afford to have the work of laying the cable taken in the form of an experiment. The Silverton Company has been established for over fifty years, and has laid most of the deep-ocean cables throughout the world, so that it understands perfectly just how the work should be accomplished.

"The company has assured us that it will complete the cable and have it here in seven months. Just as soon as this section, extending to the Sandwich Islands, is complete and out of the way, we shall commence work on another section that will connect the Hawaiian Islands with the Philippines. Our station there will probably be on the Island of Luzon near or in Manila. We have not decided on that point yet, nor have we fixed any schedule of rates, but I may say, in speaking of rates, that we shall reduce them to a reasonable figure. We expect to have the work completed in about two or three years. The estimated cost of the undertaking is about \$15,000,000, but we have capitalized our company at only \$3,000,000, because we prefer to increase capitalization as we proceed, rather than use such a large figure at the beginning."

Mr. Ward said it was expected that the new cable would allow of the transmission of messages in nearly four hours less time than required at present.

The Hawaii Land Company has let the contract for the erection of a brick store building at the corner of King and Maunakea. The building will front thirty-eight feet on King and ninety-seven feet on Maunakea street.

MULE CARS ARE DOOMED

He Did Not Come
With "Clean
Hands."

JUDGE ESTEE yesterday denied the temporary injunction prayed for by the Hawaiian Tramways Co., vs. the Honolulu Rapid Transit & Land Co., dismissing the bill, and holding that the same matters had been adjudicated by the Supreme Court of Hawaii.

The decision read by Judge Estee was excepted to by J. J. Dunne for the complainants and he was given twenty days in which to decide whether he would take an appeal.

The decision is reported in full as follows:

IN THE UNITED STATES DISTRICT COURT, IN AND FOR THE DISTRICT OF HAWAII.

The Hawaiian Tramways Company, Limited, plaintiff and petitioner, vs. The Rapid Transit and Land Company, Defendant and Respondent.

Messrs. J. J. Dunne and John T. De Bolt, Attorneys for Petitioner; W. R. Castle and Kinney, Ballou & McClellanahan, Attorneys for Respondent.

This is a bill in equity, filed by the Hawaiian Tramways Company, Limited, and verified by the oath of W. H. Pain, as manager for said company, to enjoin the defendant, its associates, counselors, solicitors, agents, contractors and servants from entering into and upon King street in the city of Honolulu, for the purpose of locating, constructing or operating a street railway therein, adjoining, alongside of or parallel with the street railway of the Hawaiian Tramways Company, Limited, and from digging up or subverting the soil, surface or paving of said King street or doing any other acts in said King street tending to obstruct in any way the free and common use thereof as had theretofore been enjoyed, or tending to interfere or interfere with or obstruct the rights of the petitioner therein, or in the beneficial enjoyment of its franchise therein.

Petitioner also prays for a preliminary injunction against the said Rapid Transit and Land Company from doing the aforesaid acts.

An order to show cause why a preliminary and temporary injunction should not issue against it, was directed to the Rapid Transit and Land Company, made returnable on the 11th day of November, 1901.

The facts, as shown by the bill and the affidavits introduced, appear to be these:

That the Hawaiian Tramways Company, Limited, is a foreign corporation, organized under the laws of Great Britain and Ireland, and operating in the streets of Honolulu, the street railway hereinafter mentioned; that in and by Act XVII of the Session Laws of 1884, of the Kingdom of Hawaii, a grant was made to "William H. Austin and his associates and assigns for such corporation as may be incorporated or organized by him or them, to construct, lay down, maintain and operate for the term of thirty years from the passage of this Act, a single track railway with all the necessary curves, switches and turnouts, or double track street railway through such of the streets mentioned in this Act, * * * along and upon the following streets in the city of Honolulu," etc. Among said streets enumerated was King street.

The Hawaiian Tramways Company, Limited, is the successor in interest of the said William H. Austin and his associates.

On July 7th, 1888, Act 49 of the Session Laws of 1888 was passed by the legislature of the Republic of Hawaii, and duly signed by the President of the Republic, and by said Act 49, a grant was made to Clinton G. Bailyntine and others, conferring the right "to construct, lay down, maintain and operate for the term of thirty years after the railway authorized by this act shall have been completed, or partly single and partly double track, or partly single and partly double, with such curves, switches, turnouts, poles, wires, underground or overhead conduits, and such other appliances and appurtenances as may from time to time be necessary for the use and operation thereof, along and upon the following streets, roads and places in the District of Honolulu."

The portion of King street in Palama mentioned in the bill of plaintiff is not included in said list of streets and roads.

Section 3 of said Act provides the nature of the motive power to be used by the grantees of the franchise.

By Section 6 of the Act last aforesaid, it is provided:

First.—That the said Tramways Company, as authorized by law, is operating a street railway or tramway in Honolulu in the Territory of Hawaii, and occupies a single track with switches and turnouts on King street from the Waikiki road to a point near the government pumping station at Kalib. Said Tramway Company proposes to lay a double track other than the necessary turnout and switches along said King street and to operate thereon a tramway by electricity.

Second.—That the said Honolulu Rapid Transit and Land Company is the lawful holder of a franchise granted to Clinton G. Bailyntine and others by Acts 49 and 50 of the Session Laws of 1888, and having received a petition from the majority of the owners of property on said King street and the Executive Council having consented thereto, for that portion of said King street lying between Nuuanu stream and Thomas square, it proposes to lay such railway and operate the same on said street between said points, the distance between said points being greater than in excess of seventeen hundred (1700) feet.

Third.—That no act which could be construed as an act of acceptance of the Act of 1888 was done by the Hawaiian Tramways Company, Limited, until after the expiration of the time limit set out in the Act of 1888.

Fourth.—That in the month of June, 1889, the Hawaiian Tramways Company, Limited, notified the Minister of the Interior of its intention to lay a double track on all the roads covered by its franchise, and inclosed in the notification of the proposed alignment of the double track on the streets and requested the Minister of the Interior to notify the company if he had any suggestion to make as to the grade or alignment. About the 25th day of July, 1889, the Minister of the Interior replied to the Hawaiian Tramways Company, stating that he had no objection to offer to the laying of the proposed tracks, and no suggestions to offer as to the grade or alignment, and the Hawaiian Tramways Company, Limited, thereupon proceeded with the work, preparatory to laying the double track.

The following are the issues of fact and law:

First.—Has the Hawaiian Tramways Company, Limited, the right to lay the double track along King street as above described?

Second.—Has the Hawaiian Tramways Company, Limited, the right to operate a tramway by electricity?

Third.—Has the Honolulu Rapid Transit and Land Company the right to lay a track on King street for more than 1700 feet?

The judgment of the Supreme Court being that the first of the two last above questions were answered in the negative, and the third question in the affirmative.

It is further provided by Subdivision II of Section 2 of Act 49 of the Session Laws of 1888, that "Whenever a majority of the owners of property on any street or road in the city of Honolulu shall, in writing, petition said association and others to lay a railway in such street or road, and the Executive Council shall consent thereto, such railway may be laid thereon, and the same may be maintained and operated for the unexpired term of said franchise."

By the provisions of Section 86 of an Act of the Congress of the United States,

entitled, "An Act to provide a government for the Territory of Hawaii," approved the 30th day of June, 1890, all of the powers and duties which by the laws of the Republic of Hawaii were conferred upon and required of said Executive Council, not inconsistent with the Constitution and laws of the United States, were conferred upon and required of the Governor of the Territory of Hawaii.

The Honolulu Rapid Transit and Land Company, respondent herein, and a corporation organized and existing under and by virtue of the laws of the Republic of Hawaii, is the successor and assign of Clinton G. Bailyntine and others.

It further appears that ever since the assignment of the rights, privileges, and franchises granted to William R. Austin and his associates, to the petitioner herein, to wit: some time prior to the 11th day of November, 1889, the petitioner herein has operated and maintained and still operates and maintains upon certain of the streets of Honolulu, a street railway, including the street known as King street thereon, and on that portion thereof referred to in said bill.

That the Rapid Transit and Land Company, after becoming the assignee in interest of Clinton G. Bailyntine and his associates, and after its incorporation on August 31, 1888, began publicly to construct a street railway in Honolulu, the said showing of cause alleging that said respondent "is now and since the 1st day of August last, has been, operating a street railway of the type aforesaid, through a number of the principal streets of said Honolulu, under and by virtue of its said charter."

It is admitted that the Rapid Transit and Land Company had at the time of the filing of the bill herein, commenced to construct and is constructing a street railway along King street for a distance of more than 1700 feet thereon, and along that portion thereof westward from Lihia street, and referred to in the bill, and in such construction of said portion of said street railway is paralleling the railway track of the said plaintiff and petitioner.

It is claimed by the respondent that its action in so doing is in conformity with the grant in its franchise (Act 49 of the Session Laws of 1888 aforesaid), and of a decision of the Supreme Court of the Territory of Hawaii, namely, the case of the Rapid Transit and Land Co. vs. The Hawaiian Tramways Company, Limited, reported in 13 Haw., p. 263, and in response to a petition of a majority of the property owners on said King street, and with the consent of the Governor of the Territory of Hawaii, in accordance with law and the regulations of the departments of the Territorial government of Hawaii, vested with authority in the premises.

The bill of plaintiff claims that the action of the said respondent is "in disregard of the prior valid rights of your petitioner, under its franchise, and that the laying of such tracks will interfere with and impair the beneficial enjoyment of the prior valid franchise of the petitioner."

The jurisdiction of this Court is invoked through allegations in the bill that the charter of the respondent is unconstitutional, null and void, is in conflict with the Constitution of the United States of America; and that said charter and each any every portion thereof, is in conflict with the laws of the United States, and in particular with that certain Act of the First Session of the Civil Law of 1884, of the Kingdom of Hawaii, a grant was made to "William H. Austin and his associates and assigns for such corporation as may be incorporated or organized by him or them, to construct, lay down, maintain and operate for the term of thirty years from the passage of this Act, a single track railway with all the necessary curves, switches and turnouts, or double track street railway through such of the streets mentioned in this Act, * * * along and upon the following streets in the city of Honolulu," etc. Among said streets enumerated was King street.

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By the provisions of Section 86 of an Act of the Congress of the United States,

ARE PEOPLE BEING POISONED BY THE SEWAGE-FED FISH?

ESPIE the fact that there has been a great deal of sickness reported in the city, which was directly attributed to the eating of sea food, and the accompanying fact that the fishers now congregate at night in the vicinity of the outlet of the main sewer, where there seems to be an abundance of fine fat fish and lobsters, the Health department does not believe that there is any possibility of danger from the food fishes taken there.

Dr. Sloggett, president of the Board of Health, said yesterday that there had been an investigation of the report that disease had been spread from the sewer, and there was not a case which could be traced directly to the eating of fish from that vicinity. Dr. Pratt, executive officer of the Board, corroborated this statement and said that in the absence of such specific

information there could be no interdiction of the use of the fish from that section.

The report of the fishes brought to the Honolulu market shows that from the Kalihi district, which is supposed to cover the point where the outlet of the sewer system is placed, there came last month only about one-third as many fish as were taken at Waikiki and less than one-half as many as were brought in from Koolau.

In conversation Dr. Sloggett said that there was no danger in such fish owing to the fact that in the process of digestion the supply of food taken by the fish is converted into new flesh and is therefore without any possible effect upon the human organism. The fact that there seems to be no such possible connection, has led to the abandonment of the first position of the Board, that it might be wise to cut off the privilege of fishing at the mouth of the sewer.

On the submission in the aforesaid case, Messrs. Kinney, Ballou & McClellan, appeared as attorneys for the Rapid Transit and Land Company, and Messrs. Paul Neumann and Holmes & Stanley appeared as attorneys of record for the Hawaiian Tramways Company, Limited.

Thereafter, on the 6th day of November, 1891, a bill in equity was filed in the Circuit Court of the First Judicial Circuit of the Territory of Hawaii by the Hawaiian Tramways Company, Limited, valued by W. H. Pain, as the manager of said company, in the amount of \$100,000.

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TRADE GOOD IN MANILA

Many Chances for American With Cash.

"There is an excellent opportunity opened for men with capital and good ideas to make money, and plenty of it, in the Philippines," said R. H. Brotherton yesterday. Mr. Brotherton, who was here for two years as secretary to Colonel Ruhlin, when that officer was the depot quartermaster, arrived in the Pines from the Orient, on his way to San Francisco, after a stop of some weeks here.

"During the past three years there have been many good things opened up by Americans who have gone down to the islands, and there are still many just as good awaiting the arrival of the man who has the energy and push to make the opening. The fact is that every kind of labor saving utensil is needed, and wanted, in the islands. For a century the people have stood still, and now they turn their soil with a bent limb of a tree. There was not a steel plow in the group until an American took one there."

"American capital has been introduced in many directions, though it is not going in with the rapidity expected and the investments have not been in the lines which the older residents looked for. In the valley of the Cagayan two rich plantations, ranging above 25,000 acres in extent, have recently been bought by Americans, and it is understood to be the intention to improve them at once. There have been other purchases in the northern end of the island, too, and the capacity of the islands for production of sugar and tobacco will be taxed soon."

"With characteristic enterprise, some Americans have already taken up the plan of making a syndicate for the purpose of controlling the output of hemp. It is easier to control the crop than to take care of the growing of it, so the men behind the enterprise have been consolidating the old interests, which in the past used to control the market. This will affect the southern islands much more than the island of Luzon, which is not heavily in the hemp growing business."

"The timber business is one of the most remunerative owing to the high price of lumber of every kind. There is a little, which cuts through a large timber stick, of any soft wood, within a couple of weeks, rendering it impossible to use other than the hardest of woods in the building of houses. There are not enough houses in Manila and the rents are exceedingly high. Few houses are being built on account of the high prices of lumber of all kinds. There are few saw mills, and again there are few licenses to cut timber from the public lands. For a few months early in the year, the licenses for timber cutting were not renewed, but the prices of lumber went so high that the department allowed the taking off of trees under the old plans. This branch of industry employs many men, but was hampered by the destruction of so many of the caribou, which are the only beasts of burden of the country. The timber most in use is a hard wood, something like oak, while there are other trees of the mahogany variety which enter largely into the trade."

"There are good deposits of minerals in sight, the principal one being of course the coal, which are found as close as fifty miles to Manila. This coal is found also in other parts of the archipelago, and while it is not of the very best, it is as good as the Nagasaki, or usual grade of the Japanese coal. There are, too, large measures of iron ores, while it is known that there is gold, for the Spaniards for many years took gold out of old mines; but the product was small on account of the methods followed. The coal are being worked, but the development of the mineral wealth is only desultory as yet."

"Great things are expected from the syndicates which are being organized for the purpose of exploiting the country, the Elkins company, which has been represented as planning the establishment of a bank with a capital of \$5,000,000, being one of the greatest in sight. The outflow for the men who have money and will go into business is good. The climate is not to compare with Honolulu, but there are men there whose health is of the very best. Governmentally, the situation is improving, and the people have confidence in the administration of Governor Taft."

COURT NOTES.

(From Wednesday's daily.)

Albert Greick, indicted by the last grand jury on a charge of larceny of three kegs of beer from the Honolulu Brewery, was acquitted by a jury in Circuit Court yesterday. Just prior to the return of the verdict Judge Gear threatened to take the case from the jury because of lack of evidence. Attorney F. M. Brooks having made a motion to that effect.

From the evidence of the Territory's witnesses Greick brought the three kegs (the empties were in evidence in the courtroom) to the house of Reed early one Sunday morning. Mrs. Reed and several other witnesses corroborated this part of the story, but the prosecution failed to establish the connection of the three kegs with the brewery, none of the witnesses identifying the barrels as any stolen from the place. At the conclusion of the evidence of the prosecution, Mr. Brooks moved for a discharge of the defendant on the ground that the evidence failed to connect the beer found in the possession of Reed with any taken from the brewery. The court was inclined to take the case from the jury on this motion, when Mr. Cathcart asked for permission to reopen the case, and introduce further testimony. Representatives of the brewery were then called in and identified the barrels as the same kind used by them, but none of the witnesses were able to establish any positive connection or proof that the kegs of beer had been stolen.

The court allowed the case to go to the jury, and they were out only long enough to take a ballot and sign the verdict of "not guilty."

The following jury heard the case:

H. C. Bickerton, George W. Macy, Jas. K. Mersberg, Harry S. Swinton, John L. Hansmann, James M. Sims, David Notley, Gus Livingston, Edward K. Blake, George K. Kala, George W. Harrison and Alexander K. Aona.

THE NOBREGGA CASE.

A decree was signed yesterday by



WILLETT & GRAY'S LAST CIRCULAR.

Statistics by Special Cables.—Cuba.—The six principal ports.—No receipts: exports, 6,800; stock, 44,500 tons, against 1,733 tons last year. Grinding has ceased.

Europe.—Stocks in Europe, 1,256,000 tons against 924,882 tons last year. Total stocks of Europe and America, 1,474,008 tons against 979,714 tons last year at the same uneven dates, and 304,420 tons at the even date of Oct. 1, 1900. The excess of stock is 494,294 tons, against an excess of 339,253 tons last week, and a deficiency of 53,983 tons December 27th, 1900.

Haws.—The week has been a very dull one with an easier tone prevailing. At

the opening Demerara were sold at equal to \$34.50 for 96 deg. test, while sugars to arrive from Brazil were rather more urgently pressed for sale, resulting in the putting of a cargo for shipment to Philadelphia at \$22.50; for 96 deg. test Centrifugals and at \$34.50, for 87 deg. test Muscovado. The Brazilian crop is early this season and will show a large increase over last year's production. It is now expected that receipts would show a great reduction after the fleet of Java steamers came in, but such falling off is not yet noticeable and arrivals from Cuba, Demerara, Hawaii, Brazil, and other sources continue to an extent about equal to requirements. At the close there are buyers of Centrifugals at \$34.50.

Europe.—European markets have been quiet, with fluctuations of only \$1.00 in beet sugars, closing at 7s. 3d. at F. & G. Hamburg. The depression in the sugar markets is world wide and has been caused by the large crops, particularly by the immense increase in European beet crops. The only hope of relief is in a heavy reduction of beet seedings next season, to bring about which efforts are now being made. Our European friends write that it is hoped there will be no general advance in prices before next spring, when the crop will be planted, other wise growers may again be tempted to sow largely and thus prevent an improvement in the situation.

Refined.—The easier market for raw sugars, and the falling off in the demand for refined, brought about a decline of 10c. per 100 lbs. in all grades by Arthur, which was soon met by the other refiners, all selling now on the same basis. Shipments of nearly all grades are fairly prompt and guarantees to arrival are given as before. Lake and rail shipments will soon be discontinued for the season. New Orleans refined sugars are 10 points below New York quotations. The business doing here is only fair. There are no special indications for the immediate future, but the course of the market will largely depend upon the demand.

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Hawaiian Gazette.Entered at the Postoffice of Honolulu,
H. T. Second-class Matter.

SEMI-WEEKLY.

ISSUED TUESDAYS AND FRIDAYS

WALTER G. SMITH, EDITOR.

SUBSCRIPTION RATES:

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Per Month, Foreign	.75
Per Year	5.00
Per Year, Foreign	6.00

—Payable invariably in Advance.—

A. W. PEARSON,

Manager

FRIDAY : : DECEMBER 6

It's getting about time for the Tramway company to put on its own funeral car.

Isn't the Republican party of Hawaii big enough to get along without soon politics?

If Grover Cleveland would send another recruit or two to organize Republicans in Hawaii, the party might soon be worthy of the Maine ex-Democrat who wants its support for Governor.

If the machine men know what their standing had become at Washington they would hang their harps upon the willows and recommend their distinguished leader to embark in the white-washing trade.

One of the most encouraging signs on the political horizon of Hawaii is that President Roosevelt has small confidence in party machines and is disposed to consider, in all his policies and appointments, the cause of good government.

If the land experts could be made to say what they would take for the property if they owned it there would be mighty little talk of \$5 per acre values. We doubt that there is an acre on Oahu which would not bring more than that sum at forced sale.

Two Republican candidates for the United States Senate from West Virginia, to succeed Senator Scott, have announced themselves. One is Henry Schmuibach, a brewer of Wheeling, and the other is J. L. Caldwell of Huntington. The latter is the son of a United States Consul who was accredited to Hawaii in the '60s.

Liliuokalani will get the crown lands through an item in the same bill that provides for the payment of the McGahan and sundry other land claims which have been before Congress for thirty or forty years. All Her Majesty needs is patience and a sufficiently long life. In the meantime she manages to struggle along with something over \$600 per month from the depleted Hawaiian Treasury.

If the free delivery of mail should not work owing to the small salaries paid there is still a way out. The Government might establish sub-stations throughout the city to which mail, previously sorted on the steamer, could be sent for lock-box delivery and where stamps and registry could be procured. In that way the public would be well-served and the Government would get big money from lock-boxes.

The pilot of the Hancock seems to have run the ship ashore with his eyes open. He was warned by the captain of his proximity to danger but took small heed. There is no great trouble in the straits between Shimonoseki and Moji about steering a straight course, that being a regular thing for trans-Pacific steamers and the ships of the coastwise Japanese lines. The Hancock's pilot seems to have been a man whose nerves were so far gone that he could not take ordinary responsibility. He faltered twice after the ship struck.

The Admiral was probably right in keeping the Wisconsin outside the harbor. Within a few weeks a transport rested on mud at the Naval wharf and the battleship might have got stuck. Nor is the channel wide enough to suit a vessel of the Wisconsin's class. While the presence of the ship would be agreeable to our people they would not wish to have her take risks. If Congress does its duty and looks after Honolulu in the River and Harbor bill, the time cannot be long before any vessel will be able to come and go here as she pleases.

Civil appointments for Hawaii, Federal in their character, ought to be made from the ranks of residents. President Roosevelt is the last man on earth to encourage carpet-bagging and that is what outside appointments usually suggest. There will be no "colonial" scandals. If the President, seeking advice from the most responsible men in his party, gives the Federal offices to those who have the confidence of the people among whom they do business. The broken-down political hack, dumped into a Territory to get rid of him, usually manages to bring as much discredit upon the appointing power as he does upon himself.

The Republican Territorial Committee should cultivate the sweet spirit of modesty in its dealings with Washington. Some time ago it recommended George A. Davis for Judge and Walter C. Weedon for Internal Revenue Collector and nobody at Washington, so far as we are aware, paid the slightest attention to it. The disposition to ignore the committee was perhaps increased by the political pull it exerted for one Emil Ney, a derrick from California, who, when not in the hands of the police is seconding anti-Republican resolutions at a Home Rule meeting. Should the committee permit itself to be manipulated by a negro former partisan of Grover Cleveland, its chances of ever getting any voice in the settlement of Hawaiian affairs at Washington would hardly be worth a moment's thought.

PUNISHMENT FOR CONTEMPT.

There has been much discussion lately in the press and magazines of America over the power of courts and judges to impose punishment for so-called contempt. Chicago has been stirred in the past few weeks by the sending to jail of the managing editor of Hearst's Chicago American and a reporter on that paper for reflections upon the honesty of a judge in the Windy City. The consensus of opinion as gathered in print is that the power to punish for contempt should be restricted. The Sacramento Bee, in an editorial a few days ago takes this view, and says that this punishing power is now too great.

The Bee says: "It is proper and necessary that some exercise of this immemorial judicial right should be permitted, no man should be allowed unbounded arbitrary power, to serve as Judge and Jury in his own case."

Recently a Chicago Judge sentenced to imprisonment for terms of thirty and forty days respectively the reporter who wrote, and the managing editor who published in the Chicago American an article containing gross reflections upon that same judge, because of a decision rendered by him in favor of a local gas company.

In the hearing before the court, counsel for the newspaper admitted that the attack was brutal, but argued that the Judge's remedy was by proceedings for criminal libel, as in the case of private persons aggrieved by such a publication. It was argued that if any court which may feel or fancy itself aggrieved shall act as the sole and final arbiter in its own case, great wrong and injustice may often be done.

With the merits of the Chicago case we have nothing to do. It may be that the attack upon the integrity or independence of the Judge was wholly unwarranted, in which event the paper, or those of its staff who may be personally responsible, certainly deserve punishment. But it should be plain to any reasoning person that this power to punish for contempt is a dangerous weapon in the hands of a corrupt judge. And we all know there are such jurists. Now if a rascally Judge sells a decision in a case in which the public interests are at stake, thereby disgracing his high calling and inflicting a shameful wrong upon the public, should he have the power to punish reporter, and editor who tell the truth about him? NO. Is it to the interest of the judiciary, as a body, or of the people, that a Judge should be enabled to escape press criticism for an infamous betrayal of his high duties?

So long as every Judge, from the highest to the lowest, shall have the arbitrary right to throw into jail any writer or publisher who may venture to accuse him of wrong doing on the bench, whether the accusation be truthful or untrue, the rights of the people and of litigants cannot be properly guarded.

Here and there may be found an editor or a publisher willing to go to jail for a month or a year, from a sense of duty to the public, but such examples of moral heroism are rare. So it often happens that a scoundrel upon the bench gives decisions that are notoriously corrupt, escapes censure from the press, and repeatedly escapes the judicial censure in the mire.

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MAKING TROUBLE.

With the bugaboo of Hawaiian defection, the leader of the Fifth district politics in the Republican Central Committee tries to frighten the members of the Territorial body into putting unwarranted and wholly unparliamentary votes upon the freedom of choice of members of the executive committee. To dictate to a member of a committee to whom he may give a proxy, is to rob him of his rights, yet it was by this plan that Stewart hoped to remain in his old position, dividing power with the entire committee.

It is unprecedented that an executive committee should have to be composed so as to maintain balance between two districts. This organization is formed for work, the superior body is the balance wheel. Yet during the two meetings which have been held this week the string of the harp of the orator of the Fifth district, has sung only the tune of balance of power in committee. It was properly said by Gilman that there was no trouble but that which Stewart was making.

Republicanism is something more than a fetish. It is a creed to those who have followed its banner long.

Some there are whose loyalty is measured by opportunity, to whom mutiny is better than fealty to party, whose one idea is to be on the winning side no matter what is the principle involved. Some men with this habit of mind bolted Republicanism in 1892 for Clevelandism. Others took up independent municipal politics and justified their actions because they were in respectable company. Such men are dangerous to party organization. They must rule or they will try to ruin. If Republicanism can offer nothing but office or party scheming, then its principles are not correctly understood and a new start must be made.

THE TRAMWAYS' DECISION.

For the third time the Tramways company has applied to a court to help it deprive Honolulu of an up-to-date electric railway system, and to fasten its dilapidated cars and skinny mules upon the community; and for the third time it has ignominiously failed.

The Territorial Supreme Court, the Territorial Circuit Court, and finally the United States Federal Court has each been appealed to in turn, in a vain attempt to prevent the Rapid Transit company from installing its splendid system.

Yesterday Judge Estee not only dismissed the Tramways bill for an injunction, with costs, but administered a scathing rebuke to the manager for his contradictory affidavit and had taste in seeking to evade a decision of the Supreme Court, after a voluntary submission under oath had been made by both companies and a decision rendered adverse to the Tramway company. After

THE WAY TO HARMONY.

It does not matter so much now how the trouble began in the Republican party of Hawaii. The facts are well-understood at Washington and better-understood than they were by the Eastern press and because of this the supporters of the Republican Territorial administration, comprising the majority of the white voters and eighty per cent of the business interests, have no cause to reopen past history. A more pressing question is how the difficulties may be composed.

The easiest way is for the anti-Dole Republican faction to cease its attacks upon the Republican Territorial administration and support it with loyalty and courage against the old monarchial party which seeks to revenge itself upon the men who brought Hawaii into the Union and to plunder the taxpayers in the bargain. If that were done the Republican party would present an unbroken front and the cause of good government would be sustained.

To suggest the retirement of the Dole party would be to recommend to a course of bad citizenship—an acquiescence in a scheme of plunder of which that party, individually speaking, would suffer only less than the country as a whole. Mr. Dole stood for annexation from 1893 to 1898 and he stands for clean government, economically administered, now. No scandals attach to his name nor to that of his party; in fact both in union are the buttresses that keep scandal out. It is clear that if they should retire, the old monarchists—probably the most ignorant and corrupt electoral body vested with the American franchise—would pretty well control island politics. Of the minority Republican element not a man would get a show which they could deprive him of. The Hawaiian politicians use white men who offer their services, but rarely reward them. They laud carpet-baggers even, laud them to the skies, until there is something to divide, and then the豪 is ignored. If there were an overturn tomorrow the Wilcox party, swearing itself in as Republican for the sake of spoils, would draw the color line as plainly as it did at last year's polling. Look at the way the Home Ruler treated J. O. Carter, who has fêché and carried for them so long that he has forgotten that he is a Caucasian. See how they turned down Messrs. Damon and Macfarlane. But two men of white extraction, one of these married to an Hawaiian, were chosen to the Legislature on the Home Rule ticket and both of these are disgusted with the treatment they got. So what would it profit the anti-Dole minority if the Dole majority should lay down its arms and give the President to understand that Wilcox is Hawaii? It would not be two months before these men would be howling for a white man's party and begging the Dole men to come into it with their numbers and their cash.

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DAVIS IS HOT AFTER THE THIRD CIRCUIT JUDGESHIP

IF GEORGE A. DAVIS does not get the appointment as third judge of the First Circuit of Hawaii, there will be some strong language used by the erstwhile jurist of the Fire Claims Court of the old days, and more recently inflammable attorney in search of a secure title.

To those who have been in close association with the attorney during the past few weeks, it has been evident that the chase for judicial honors and titles has been the one passion of his life. He has talked it awake and asleep, and there has been never a moment when he was not willing to let an intimate into the reasons why he should be given a place upon the bench. So great became his desire to secure the eminence that he has recently sent his letters and applications and has been in constant touch with Absentee National Committeeman Sewall, urging the pushing of his name.

To the friends who have known of the growth of his passion for place, there has been comment on the resentment he displayed a month ago, when Col. Sam Parker returned home, and there was no evidence that the candidate for delegate had made a last ditch fight for Davis for judge, but instead there was a well defined report that Parker and Sewall had gone to the front for Caypless. On more than one occasion Davis reproached Parker for what he termed his desertion of an old friend. His upbraidings, once at least, became so strenuous that Parker told him that he was better off as a practising lawyer, and that he would make a spectacle of himself if he was on the bench. In conversations Davis is said to have assured Parker that he would resign his seat upon the bench within the month, if only he was given an appointment. With all this however Col. Parker is said to have re-

mained steadfast to his purpose of not favoring the nomination of Davis.

At this point it is remarked by friends of the twin, Judge Gear entered the equation. His influence has been steadily exerted in favor of Davis, and the trip now on is given as the last evidence of the friendship which is-existent between the jurist and practitioner. Mutual friends are of opinion that Gear would not have gone but for the fact that he might be of service to his friend Davis. This friendship is also said to be at the bottom of a coolness which is noticeable in the relations between the first and second judges of the first circuit. This frigidity has been noticed by every one who has been close when the two stars were in conjunction in the judiciary building.

Davis is one of the attorneys who has been in such daily contempt of court, according to recent interpretations of contempt, and has been the most outspoken of critics of the first judge. Gear would not drop his friend at the behest of the first judge, and so fell under the ban of the enmity which is meted out to those who do not love the circuit bench as typified in the person of the first judge. In addition to this peculiar condition it is alleged that the first judge, when he returned, thought that the second judge had been doing some politics which had been better left undone in that it strengthened the place in the affections of the people held by the second judge, and did not reflect credit upon the first judge at all.

According to local politicians who have looked into the matter today, there will be a hot fight for the third place on the bench, with a probability that there will be nothing done by the people in authority at the capital at all, but that both Hawaiians will have their search for their pains, that there will be no judgeship to be filled.

HOME RULERS WILL MAKE PLATFORM OF OLD BILLS

SERENELY complacent in their belief that in the files of the last session of the Legislature is hidden much of the sum of human wisdom, and more of the total of political prudence, the Home Rulers are moving to make a fight for the control of the next Territorial legislative body upon the lines laid down as final by the majority in the last house and senate.

In a long and interesting meeting of the executive committee of the body last evening, it was decided that there should be a platform for the next legislative campaign, in which shall be united all the planks covered in the bills introduced in the recent session. There will be a careful selection made from the list of measures introduced and not passed, and of those chosen as the most important there will be a platform constructed. When the choice is made and the announcement of the principles upon which the campaign is to be fought, then the men who aspire to seats among the law makers will be asked to pledge themselves to work without ceasing for the enactment of the measures enumerated, and upon their declaration will rest the question of their nomination by the Home Rule party.

The matter of the choice of the measures which shall enter into the platform making, is left by the resolution which was adopted before the adjournment of the session of the committee last evening, to a committee of three members. These are to be named later by Chairman Kaulia, and the announcement is to be made at the meeting of the committee next week. There was some informal discussion of the matter after the meeting and it was conceded that the chairman of the committee will be Carlos Long, owing to the fact that he is a lawyer, and as well that during his legal studies which were pursued at Georgetown University in the National Capital, he was in constant touch with legislative methods, and thus will bring to the task of laying out a line of work for the members of the legislature, a knowledge of methods and a capacity to calculate chances, which will be of value to the committee.

The remaining members of the committee are not known but it is thought that in addition to the chairman, who is an outsider, there will be two members from the legislature, one of which is to be Senator Kalauokalani and the other a member of the lower house, perhaps Prendergast. With a committee so constituted it is the belief that the work will be pushed to the conclusion with rapidity and the best possible selections made.

In the course of the meeting there was a general discussion of the sins of omission which were committed by the last legislature. The failure of some members elected upon the Home Rule ticket to stick together and render possible the reforms which had been cut out in the preliminary caucuses, was commented upon, but it was said that there was no acrimony in the debate and that all was harmonious to the end.

One of the strongest speeches was that made at the closing of the meeting by Senator Kalauokalani in which he made the point that the young men of the party were now called to take its leadership and that if they could aid in the work it was their duty to do so. He also made the point that there should be no open discussions of the party differences, but that the committee room was the place for such washing of the party dirty linen. In this way he said there could be party harmony maintained and the danger of there springing up a faction which would try and split the vote would be greatly lessened. All through his address there was hearty applause, indicating that there was much sympathy with the sentiments expressed. There were speeches by several others, including Long, Emmelth, Prendergast, Mauka, Nakookoo and Bibikane.

In the course of the addresses there were many suggestions as to the measures which should be selected for the final endorsement of the committee as the vital ones in the event of the carrying of the next election by the Home Rulers. Among those mentioned were the County government bill, the taxation measure, the voting scheme, the abolishment of the militia, a loan plan and a measure for reforming land systems.

Medical Sciences for October, 1901. These articles were partly based on a study of plague cases made in San Francisco. Let me further refer you to an article headed "San Francisco Plague Report," in the Journal of the American Medical Association of October 5, 1901. In this report, two certain cases of plague and one probable case are reported. These cases are published since the report of your commission, but some time before your editorial. That the city authorities were cognizant of them is shown by the fact that the city bacteriologist, Dr. Kolodig, is reported to have examined one case, would further call your attention to the fact that the report of the commission which you support, though it may satisfy the lay mind, is sadly lacking in some points from a medical standpoint. It states that plague was not the cause of death, but does not state what did cause death, nor who conducted the examinations.

I would not take the trouble to write to you if I did not feel that you fail to appreciate the gravity of the stand which you take. Your steady insistence that there is no danger of an epidemic leads me to believe that you have been misinformed as to certain of the medical aspects of the plague. I would merely call your attention to the recognized fact that many epidemics of plague begin by the appearance of sporadic cases of a relatively mild type, such cases often lasting over months or even years, and being followed by explosive and wide-spread outbreaks of the disease. It is through this stage of sporadic cases that San Francisco is now going, and the possibility of an extensive outbreak cannot be denied.

Would it not be better candidly to acknowledge the presence of the disease and counsel vigorous action for its extermination, rather than to lull the citizens into a sense of false security.

247 State St., Albany N. Y.

November 10, 1901.

Editors Argonaut—As a constant reader and admirer of the Argonaut, and as a physician, I take the liberty of writing to you.

In your issue of October 28, 1901, you write an editorial on the plague situation, in which you, indirectly it is true, support the statement of the commission of the State Board of Health "that there was not then and never had been a case of plague in San Francisco."

Surely you have failed to inform yourself on the other side of this question. Let me refer you to articles on the plague by Drs. Baker, Flexner and Novy in the American Journal of the

other States, have investigated the alleged existence of the plague in San Francisco. These doctors disagree, as doctors often do. But an overwhelming majority of those who have been on the ground have declared that they believe there is no plague in San Francisco, and most of them add that they do not believe there ever has been.



THE LATE MR. LUBECK AND HIS FAMILY.

OLD KAUMAKAPILI'S WALLS FALL TO EARTH IN RUINS

Scarred by Fire, the Picturesque Church Structure Built After Ideas of King Kalakaua, Is Being Razed.

OLD KAUMAKAPILI church, whose vicissitudes have given the structure an unusual history, is at last undergoing the final stages of demolition. The once fine brick edifice, whose towering spires and imposing front were the architectural features of the district in which it stands, is doomed to be but a memory. Yesterday morning with a crash as of a miniature avalanche the Ewa wall was toppled over into a heap and today or tomorrow the Waikiki wall will share the same fate.

A short time since the brick in the walls were sold to two contractors, one a Japanese and the other a Chinese. The contractors bought them as they stood and the work of removing them was upon their own responsibility and risk. The Japanese secured the right to the bricks contained in the Ewa, Waikiki and mauka walls, while the Chinese was fortunate in purchasing the bricks in the two towers and broad expanse of front.

The Japanese was given the opportunity to take away his portions of the church first and he put a gang of Japanese laborers at work to undermine the side buttresses of brick and to make breaches above the windows connecting with the windowless spaces just above. The rear wall and Ewa-mauka corner was attacked first. The work of preparation for bringing the walls to the ground occupied several days. Sledge hammers and picks were used on the buttresses until they were entirely cut under as far as the walls. With the aid of ropes, the walls were oscillated back and forth until they yielded under the pressure and came down with a roar. Red flags were displayed in the vicinity of the building during the progress of the razing.

The workmen are now engaged on the Waikiki wall and remaining portion of the rear one and by tomorrow morning only the towers will remain standing. The Chinese contractor will commence the work of destruction of these famous steeples, once a source of superstition with the Hawaiians. The Japanese now in charge of the work estimates that he will obtain about 50,000 bricks from the ruins.

Kaumakapili Church had for its patron King Kalakaua, and the structure was ruined by the Chinatown fire of January 26, 1900, which destroyed eight blocks of buildings, sweeping the entire district clean of buildings from Kukui street to the waterfront. A fire which was begun by the Board of Health in a building near the church, as a sanitary measure during the epidemic of plague, set one of the steeples of Kaumakapili on fire, and the sparks from this towering superstructure, which could not be reached by the firemen, set fire to buildings in neighboring blocks with the result that the fire was lost to the control of the fire department, and the church and all Chinatown were destroyed, leaving only the brick walls of the church standing.

The brick church building was erected in the latter part of the 60's, succeeding a large frame structure with a grass roof, which in turn had replaced an enormous grass hut erected in the 20's, when Christianity was young in the Hawaiian Islands. It was King Kalakaua's plan that was followed in giving the structure two steeples, claiming that as a human being had ordinarily two eyes, two ears, two hands, etc., that a church dedicated to God should have two steeples instead of one. It was a comfortable structure, and only in 1899 the entire interior was renovated, new furnishings installed and a fine new organ dedicated with Wray Taylor presiding at the key-board. In one of the steeples was a chime of bells, "out of tune," and therefore seldom used. Many notable concerts have been given there and lectures. The congregation was a large one, composed almost entirely of Hawaiians. A claim for the value of the church structure, furnishings, etc., is now pending before the Fire Claims commission. The trustees sold the brick for \$2,725.

SUDDEN DEATH OF JOHNSON NICKEUS OF HILO--HIS CAREER

After an illness lasting only two days, Johnson Nickeus, the Hilo attorney, died in the Queen's Hospital Thursday night, his death being due to an acute attack of diabetes. Mr. Johnson came to Honolulu Saturday from Hilo on the Kinau to attend the present session of the Supreme Court, where he has a number of important cases pending. He was not feeling well when he arrived, although he argued one case before the Supreme Court on Monday. Tuesday he complained of illness, and that same evening was conveyed to the hospital. His death was a surprise to his friends.

None of his family were present at the time, his wife having gone east about four weeks ago to visit a married daughter, the wife of a cartoonist in New York city. An unmarried daughter, who is engaged to Mr. Robert Haxhurst, of Hilo, is at present in that place, but owing to the wireless telegraph system being out of order, she cannot be reached from here until the departure of one of the Island boats next Tuesday. It is not known whether Mr. Nickeus wrote his daughter on last Tuesday's boat concerning his illness. If he did it is possible his daughter may arrive here tomorrow from Hilo.

I would not take the trouble to write to you if I did not feel that you fail to appreciate the gravity of the stand which you take. Your steady insistence that there is no danger of an epidemic leads me to believe that you have been misinformed as to certain of the medical aspects of the plague. I would merely call your attention to the recognized fact that many epidemics of plague begin by the appearance of sporadic cases of a relatively mild type, such cases often lasting over months or even years, and being followed by explosive and wide-spread outbreaks of the disease.

The attitude of the Argonaut has, it seems to me, always been so evidently fair that I have taken the liberty of calling your attention to these facts, which must have escaped your notice. Very truly yours,

GEORGE BRUMER.

Concerning this, we have only to say: That many physicians, from this and

ground believe that the so-called plague symptoms were merely manifestations of glandular troubles due to syphilis. This disease is very common among the Chinese, to whom the alleged cases of plague were confined. Out of hundred physicians who have been on the ground, ninety do not believe that there has been plague in San Francisco. The editor, being a layman, naturally bases his opinion upon the majority verdict of the medical men.—The Argonaut.

HAWAIIAN TREES WILL BE STARTED

A new element is to be introduced upon a large scale in the government nurseries in Nuuanu valley. There will be planted during this season seeds of many trees peculiarly Hawaiian, and these upon development will be sent to the various islands with a view of reforestation upon the old lines. The seeds of the trees which are to be propagated at first are being collected by Mr. Eben F. Low, of Puawana, Hawaii, who is an earnest advocate of forestry work.

The development will be under the direction of Mr. Haughs, the Territorial forester, the fact that several of the species have nearly disappeared being taken as evidence that there must be used some particular pains for cultivation of the trees from seed. This is believed to be the case with the sandalwood tree, which is said by Hilgard to be practically impossible of propagation from the seed.

So far there have been something more than a dozen species of trees sent to Commissioner Wray Taylor, in the list being the akala, hiohi, hali, ohia, koke, oloko, akia, alae, kaaula, uhuhu, blah, lama, and olapa.

HONOLULU STOCK EXCHANGE.

Honolulu, December 5, 1901.

NAME OF STOCK	Capita	Val	Bid	Ack
BIGGARTHIS				
O. Brewer & Co.	1,000,000	100	—	4.0
N. & S. Sachs' Dry Goods Co. Ltd.	60,000	100	20	100
L. B. Kerr & Co., Ltd.	300,000	50	—	—
HIGGINS				
Ewa	1,000,000	25	24.5	—
W. & G. Argonaut Co.	1,000,000	200	27.5	—
Hilo Co. & Sons Co.	312,750	100	—	—
Hawaiian Sugar Co.	2,000,000	200	20	21
Honolulu	750,000	100	13.2	—
Honolulu	2,000,000	20	1	—
Hulu	500,000	100	24.0	—
Kalama	500,000	50	—	—
Keel Plant. Co. Ltd.	2,500,000	100	1	—
Kipahulu	160,000	100	1.5	—
Kolae	300,000	100	10	16
McBryde & Co. Ltd.	5,841,400	20	6	—
McDonald Sugar Co.	500,000	100	18	103
Ono	600,000	20	—	—
Ono	500,000	20	—	—
Olas Sugar Co. Ltd.	612,000	20	2	—
Paid Up	4,800,000	20	1	—
Paloway	500,000	100	—	14
Paloway Sug. Plant. Co.	5,000,000	100	—	—
Pacific	500,000	100	—	2.0
Pala	750,000	100	—	19
Papepeko	750,000	100	—	175
Pioneer	2,800,000	100	—	2
Pineapple Mill. & Co.	5,000,000	100	—	—
Waialae Ag. Co.	4,254,44	100	15	6
Waialae	700,000	100	—	—
Waialae	262,000	100	155	—
Waialae	132,000	100	—	—
STEAMSHIP CO.				
Wilder S. S. Co.	500,000	100	—	10
Inter-Island S. S. Co.	500,000	100	—	82
MISCELLANEOUS				
Hawaiian Electric Co.	250,000	100	—	

6
Season of
1901.

DUNN-MACFARLANE NUPTIALS CELEBRATED WITH CEREMONY

Notable Gathering
of Honolulu
Society.



ALL ARE WELCOME

W. W. Dimond & Co.,
LIMITED.

Wholesale and Retail
Dealers in
CROCKERY, GLASS AND
HOUSEFURNISHING GOODS,
53-55-57 King St.

USE....
KOMEL SODA
At Home,
At the Club,
At Your Receptions,
and at all
Social Gatherings
CONSOLIDATED
SODA WATER WORKS CO.,
LIMITED.
Sole Agents for the Hawaiian Islands.
Island Orders Solicited.
Telephone Main 51.

WILDER'S STEAMSHIP
COMPANY.

NOTICE TO SHIPPERS.

SHIPPERS ARE NOTIFIED THAT
a new freight schedule will go into
effect on and after December 1, 1901.

Information in regard to changes in
rates can be obtained at the office of
the company, corner Fort and Queen
streets, Honolulu.

C. L. WIGHT,
President

INSURANCE

Theo. H. Davies & Co.
(Limited.)

AGENTS FOR FIRE, LIFE AND
MARINE INSURANCE.

Northern Assurance Company
OF LONDON, FOR FIRE AND
LIFE, Established 1836.
Accumulated Funds £2,975,000.

British and Foreign Marine Ins. Co.
OF LIVERPOOL, FOR MARINE
Capital £1,000,000.

Reduction of Rates.
Immediate Payment of Claims.

THEO. H. DAVIES & CO., LTD.
AGENTS.

THE ORDER IS MADE

Progress Block
May Yet Be
Sold.

(From Thursday's daily.)

Just prior to his departure on the Alameda, Judge Gear made deposit in the case of the Kapiolani Estate vs. Charles Desky, giving judgment for the plaintiff in the sum of \$5,000, and the order carries with it the sale of the Progress block if the judgment is not satisfied. The order was made by Judge Gear on the steamer, and in the hurry of the moment the title of the order read Orpheum Company, Ltd., vs. Chas. S. Desky, but which was afterwards corrected by Judge Humphreys. The decision made by Judge Gear says:

"Upon the facts proven in this case, I find that the amount of principal, \$5,000, with interest thereon, is now due and unpaid, and that plaintiff is entitled to a decree of foreclosure for said sum of \$5,000, with interest thereat at seven per cent per annum from the date of the mortgage, together with the sum of \$50, to be added to principal for premium paid by the plaintiff for insurance, together with a fee of \$10 gold coin of the United States, which is hereby allowed to plaintiff as and for a counsel fee, together with costs of court. Let judgment be entered accordingly, and in case of sale of said mortgaged premises be necessary in order to collect said sums, all costs of foreclosure to be added to the judgment. Let a decree be entered accordingly."

GEAR, Judge.

CARTER DID NOT APPEAR.

When the case of Wm. Kolo Bathburn was called in Circuit Court yesterday morning, A. B. Carter, the principal witness for the prosecution, was not present. Bathburn was indicted on a charge of perjury, alleged to have been committed before the grand jury during the hearing of the case against Carter for shooting him.

Deputy Attorney General Cathcart stated that the subpoena had not been served before Tuesday, because Dr. Carter agreed to come upon notification by telephone. He asked a continuance until Monday, but Mr. Robertson, appearing for defendant, objected, on the ground that there had already been several continuances. He said that he understood that Carter had declined to come.

Judge Humphreys granted the motion for a continuance, but stated that he could not consider the service of a court order by telephone the correct method for giving legal notice. "This Court has repeatedly held," he said, "that telephones may not be used for such a purpose. It is not adapted to the transmission of court processes or orders, and as the telephone and other electrical appliances are at present conducted in these Islands, it cannot be held to be successful for that purpose. This Court will not conduct business by telephone. This is a distance of thirty miles, and the telephone may have been out of order, or the man away, or possibly he may have misunderstood the order, even if there.

The return on this subpoena shows that it was not served until yesterday evening, and it would have been impossible for him to have come into court at that time from his home."

Robertson's application for the allowance of expenses to the witnesses for the defendant was also denied. The Court holding that he was not authorized under the statute to make such an order, even though it worked a great hardship on the poor witnesses. The case was set for Monday, and an attachment issued for Dr. Carter.

HELD FOR ASSAULT.

The hearing of the complaint made by Mrs. Kamakee against Harry Juen, William Saydive and J. H. Schneack was held during the noon recess by the Court. This is the same case dismissed a few days ago by Judge Wilcox, growing out of the forcible ejection of the complaining witness by the three defendants. The Circuit Court, after hearing the evidence for the prosecution, ordered the three men committed upon a charge of assault and battery, fixing the cash bond at one hundred dollars in each instance. The hearing was set for next Wednesday.

ARRAIAL WANTS A DIVORCE.

J. J. Arraial has filed in the Circuit Court a divorce suit against Guillermo J. Arraial, alleging desertion as a ground for his action. The defendant sets forth in his petition that he was married to Ibellee on June 19, 1883, and that there is a son aged six years now in the custody of the wife. The defendant alleges:

"That the defendant, shortly after her marriage to defendant, commenced to desert his bed and board and to lead a reprehensible life, until finally on or about October, 1886, she wilfully and utterly deserted defendant. That said defendant procured the legal means to compel defendant's return to him, but that she refuses to do so and that since said desertion defendant is informed that defendant has been living a disreputable life and keeping the company of disreputable women."

"That defendant believes defendant is an unfit person to have the control, management and education of said child, and has no means of supporting the same. That defendant is a steady worker, and intends to provide for said child. That defendant has at all times been, and still is, a dutiful husband and kind father."

COUGHS AND COLDS IN CHILDREN.

Recommendation of a Well Known Chicago Physician.

I use and prescribe Chamberlain's Cough Remedy for almost all obstinate, constricted coughs, with direct results. I prescribe it to children of all ages.

I am glad to recommend it to all in need and seeking relief from colds and coughs and bronchial afflictions. It is non-narcotic and safe in the hands of the most unprofessional. A universal panacea for all mankind.—Mrs. Mary McElroy, M.D., Ph.D., Chicago, Ill., U. S. A. For sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

At the meeting of Excelsior Lodge No. 1, I. O. O. F., held last evening at its hall on Fort street, the following were chosen to serve for the ensuing term: A. W. Clark, noble grand; L. Petrie, vice grand; L. L. Lapierre, secretary; W. C. Parke, treasurer. The fifty-fifth anniversary of the founding of the lodge will be celebrated on Tues-

BY AUTHORITY.

IN THE CIRCUIT COURT OF THE FIFTH CIRCUIT, HAWAIIAN ISLANDS.

Frank Louis vs. Maria Gloria Costina—The Republic of Hawaii: To the Marshal of the Hawaiian Islands, or his Deputy, Greeting.

You are commanded to summon Maria Gloria Costina, defendant, in case she shall file written answer within twenty days after service hereof, to be and appear before the said Circuit Court at the September term thereof, to be held at Lihue Island of Kauai, on Wednesday, the 5th day of September next, at 10 o'clock a. m., to show cause why the claim of Frank Louis, plaintiff, should not be awarded to him pursuant to the tenor of his annexed bill for divorce. And have you there there this writ will fully return of your proceedings thereon.

Witness, Hon. J. Hardy, Judge of the Circuit Court of the Fifth Circuit, at Lihue, Kauai, this 17th day of May, 1901.

Signed: HARRY D. WISHARD, Clerk.

I hereby certify the foregoing to be a true and exact copy of the original summons in said cause, and that said court ordered publication of the same and a continuance of the said cause until the next March, 1902, term of this court.

Dated Lihue, Kauai, November 6, 1901.
HARRY D. WISHARD, Clerk.

2333—Nov. 15, 22, 29; Dec. 6, 13, 20.

ELECTION OF OFFICERS.

AT THE ANNUAL MEETING OF the Union Mill Company, held at the company's office in Kohala, November 21, 1901, at 3 p. m., the following officers were elected, to serve for the ensuing year:

President, Mr. James Renton.
Vice President, Mr. H. H. Renton.
Treasurer, Mr. F. M. Swany.
Secretary, Mr. H. H. Renton.
Auditor, Mr. T. R. Keyworth.
H. H. RENTON, Secretary.

2337—Nov. 29, Dec. 6, 13.

Mortgagee's Notice of Foreclosure and of Sale.

IN ACCORDANCE WITH THE provisions of those certain mortgages made by John M. Lemos to W. B. Castle, trustee, dated the 16th day of December, A. D. 1887, and the 16th day of June, A. D. 1888, recorded in the Registrar of Conveyances in Liber 174, pages 150 and 151, and in Liber 180, pages 162 and 163, respectively, and the same assigned to M. G. Silva by said W. B. Castle, trustee, by deed of assignment dated the 3d day of October, A. D. 1901, and recorded in Registrar of Conveyances in Liber 174, page 159, and Liber 180, page 162.

And in accordance with the provisions of that certain mortgage made by the said John M. Lemos to M. G. Silva, dated the 18th day of June, A. D. 1901, recorded in the Registrar of Conveyances in Liber 226, pages 125, 127 and 128.

Notice is hereby given that the mortgagee intends to foreclose the same for conditions broken, to wit:

NON-PAYMENT OF PRINCIPAL.

Notice is likewise given that after the expiration of three weeks from the date of this notice, the property covered by said mortgage will be sold at public auction, at the auction rooms of James F. Morgan, in Honolulu, on the 7th day of December, A. D. 1901, at 10 o'clock noon, of said day.

Further particulars can be had of A. G. Correa, attorney at law.

Dated Honolulu, November 12, 1901.

THE PREMISES COVERED BY SAID MORTGAGES, CONSIST OF:

1. All of that certain indenture of lease of premises at Kukuluaao, Oahu, made from William Ringer to the said John M. Lemos, for twelve years from the 5th day of March, A. D. 1897, and recorded in the Registrar of Conveyances in Liber 175, page 146, together with all the buildings and improvements erected thereon.

2. The right, title and interest of said John M. Lemos in and to that certain agreement made on the 3d day of October, A. D. 1890, by and between Ignacio M. Pavao and said John M. Lemos, whereby said Ignacio M. Pavao agrees to sell to said John M. Lemos that certain leasehold interest granted by the trustees under the will of Bernice P. Bishop to William Ringer, by lease dated the 25th day of January, A. D. 1895, and also all the buildings and improvements, houses and outhouses on said premises situate.

2333—Nov. 15, 22, 29; Dec. 6, 13.

Olaa Assessments.

THE 17TH AND 18TH ASSESSMENTS, of 50c each, are now bearing interest at the rate of 1 per cent per month.

THE 19TH ASSESSMENT OF 2½% of 50c per share, has been called, to be due and payable November 20th.

Interest will be charged on assessments unpaid ten (10) days after the same are due at the rate of 1 per cent per month from the date on which such assessments are due.

The above assessments will be payable at the office of the B. F. Dillingham Company, Limited, Stangenwald Building, ELMER E. PAXTON, Treasurer Olaa Sugar Company, Ltd., Honolulu, T. H., July 20, 1901.

ELECTION OF OFFICERS.

NOTICE IS HEREBY GIVEN THAT at the annual meeting of the Haleakala Ranch Company, held on the 21st instant, the following officers were elected to serve for the ensuing year:

H. P. Baldwin, Esq., President.
L. A. Thurston, Esq., Vice Pres't.
Geo. H. Robertson, Esq., Treasurer.
E. F. Bishop, Secretary.

W. G. Taylor, Auditor.

E. F. BISHOP, Secretary.
Dated Honolulu, November 22, 1901.

2336

day evening next, by the carrying out of a program which will include literary and musical numbers. Invitations have been sent to members of other lodges and the Rebekah organizations, as well as all visiting members of the order in the city.

The receipts from Saturday's fair at the Drilled amounted to over \$3,000.

PRICE IS SOARING

The Pearl Harbor Suit Still on Trial.

(From Wednesday's daily.)

Yesterday's witnesses for the government in the Pearl Harbor case were inclined to give the Bishop Estate the benefit in their valuations of the land examined by them. During the day but three witnesses were on the stand, Captain Merry, Allan Herbert and W. G. Ashley.

Captain J. F. Merry testified simply to the exchange of letters between the Bishop Estate and himself when, two years ago, he secured an option on the land at the request of the Navy Department. At that time the trustees gave him an option upon the desired land at fifty dollars an acre, for one year, and the letters in proof of this were introduced as evidence.

W. G. Ashley of the real estate firm of Ashley & Paris was the next witness. He was formerly secretary of the Oahu Railway & Land Co., at the time the railroad was constructed through the Bishop Estate land, and examined the land at that time. He was of the opinion that fifty dollars an acre would be a fair market price for the six hundred acres taken as a whole.

On cross-examination by Mr. Kinney the latter drew out some favorable admissions relative to the value of the water front cut up into beach lots. The witness stated that land in Pearl City was worth about \$2,500 per acre lot. The two mile frontage he thought might be worth \$100 an acre, and if cut up into town lots with improvements, such as water, railroad facilities, grading, etc., eighty lots with frontage on the sea would be worth about \$200,000. Without improvements witness did not believe they would be worth over \$8,000.

Witness testified that an acre of sugar land would produce eight and half tons of sugar which would be worth about \$60. The ground rental at three and a half per cent would be about \$2 per annum.

"Do you mean to say that the land will yield eight and half tons of sugar to an acre?" asked the court.

"Yes, sir," answered Mr. Kinney. "Do you want to hear evidence on that point now. We intend to show later that the land in question would yield ten tons per acre."

"And the land has never produced a crop," put in Mr. Dunne.

"All the more reason why it will produce more now," said Mr. Kinney.

Figuring on the basis suggested by Mr. Kinney the witness thought the sugar land would be worth about \$140 to \$200 an acre. About half of the land was sugar land, he thought. The witness would not commit himself as to the relative values for investment purposes of sugar land leases and Territorial bonds.

Allan Herbert, the expert who made a special visit to the land at the request of the government, was on the stand for the greater part of the afternoon. He placed a value of twenty-five dollars an acre upon the Kualoa Island tract, and thought the cane land on the mainland was worth about \$100 an acre. Fifty dollars an acre was a fair valuation for the land taken as a whole. He said there was but one well on the land, and the water in it was slightly brackish. The witness declined to place a value upon the lands of Dr. McGrew, the Ewa Plantation or Ford's Island, stating that he was unable to do justice to himself in making such an estimate. He said he had only been to the shore of Ford's Island, and at that time he was so occupied with the ladies and with lunch he paid no attention to the condition of the land there, though he was under the impression that it was rocky.

He thought that the Bishop Estate lands condemned by the government were the poorest in the district, but with proper care and fertilization sugar, corn or grape crops might be raised upon part of it. Mr. Herbert professed ignorance of what amount of sugar could be raised on this land if it was cultivated, and said he preferred not to make estimates on probabilities. He expressed his inability to answer nearly every question put to him by Mr. Kinney until finally that gentleman asked angrily:

"What business have you here swearing away the rights of the Bishop Estate, if you don't know anything about this land? You are here as an expert?" Judge Estee refused to allow the question, and criticised it as not proper to be put to the witness. The court held that Mr. Herbert was not swearing away anyone's rights and such a question was clearly improper. Mr. Kinney contended that the question was proper upon cross-examination, but the court ordered it stricken from the record.

The examination of Mr. Herbert was completed before the evening adjournment.

(From Thursday's daily.)

Three hundred dollars an acre is the valuation placed on the greater part of the Bishop Estate land, condemned by the United States for the Pearl Harbor station, by J. A. Low, the first of the witnesses for the respondent. He qualified this statement by saying that the price given referred only to 387 acres of cane land.

The government rested yesterday morning without putting on any additional testimony, and then followed a day of argument and quibbling over the introduction of certain evidence, until finally the court remonstrated and said that no further delay would be brooked, and the case must proceed more ex-

GILFILLAN'S ABSENCE CAUSES INQUIRY

WHILE the absence from the islands of Archibald F. Gilfillan, the member of the lower house of the Legislature and prominent man about town, has been extended longer than was expected, among his closest friends there is no definite anxiety felt as to his safety. The firm with which he is employed feels in no wise, that there is any danger of the well-known manager of the wharves being long away from his desk, even though he has not been heard from for about sixty days.

Mr. Gilfillan left the city to attend the conclave of the Knights Templar which was held at Louisville, and was there and participated in the exercises which marked the annual gathering. From Louisville he went on to Buffalo to take in the Buffalo Fair. While

at the Fair Mr. Gilfillan was in company of several gentlemen who are members of the same order and they had a merry party. There was a question in the mind of the Hawaiian at that time whether or not he would go on to his old home in Scotland.

His friends left him with the understanding that he would meet them in Chicago at the Auditorium two days later. They waited a longer time

and as he did not come they proceeded to their homes. The fact that the Hawaiian did not appear is not taken by his friends here to indicate that there has been any pilfering encountered by him. They think that his letters have miscarried and that he is now on his way home. However the fact remains that no definite word from him has been had since his part-

ing with friends in Buffalo.

Simultaneously with the departure for Washington of Colonel Samuel Parker, J. A. McCrossen, Geo. W. Davis and others interested in the Kohala water supply yesterday, there was filed with Treasurer Wright an application for articles of incorporation of the Hawaii Ditch Company, Limited.

Messrs. Parker and McCrossen before they return expect to bring with them a franchise or grant by Congress, permitting the Hawaii Ditch Company to conserve the water supply of the Kohala mountains in whatever way they deem best.

The company incorporated here yesterday has a capital of \$10,000, but the limit to which stock may be increased is \$50,000.

Relating to the object of the corporation, the articles say:

"The business and purpose for which this corporation is organized are to build, construct, supply, maintain and operate on the Island of Hawaii, in the Territory of Hawaii, a system or systems of surface, underground, either or both, supply and irrigation water ditches or tunnels, canals, flumes, and inverted siphons with their necessary and useful appendages and apparatus to tunnel and bore for, gather, conserve, and impound water therefrom, and to acquire, own and lease real estate, * * * which may be required to construct and maintain said systems of supply, etc., together with impounding and storage reservoirs, etc."

In the same paragraph it is stated: "Said systems to be owned, constructed, supplied and operated by means of gravity, or steam or electricity, or hydraulics or any of them, and to operate such power works and machinery necessary to accomplish the purpose for which this corporation is organized."

By virtue of the articles the company is given the right to take over contracts, leases, franchises, etc., from public or private corporations, the Territorial or United States governments, or individuals, also to hold and deal in stocks and bonds of other corporations; and to issue its own bonds and secure the same by deeds of trust, but at no time to be indebted to exceed the amount of the indebtedness to exceed the amount of the capital stock, etc."

Paragraph four provides that the corporation may sue and be sued, can appoint subordinate officers, and make by-laws, not inconsistent with the charter, and to issue notes and other evidences of debt."

Section 5 provides for the succession of the company by its corporate name for a term of fifty years.

Section 6 provides that the capital stock of the company shall be \$10,000, divided into 500 shares of \$10 each, with the option of increasing said capital to a sum not to exceed \$50,000.

Section 7 provides for the election of officers, and Section 8 provides that the stockholders shall not be liable for the debt of the corporation.

The articles are signed by Samuel Parker, who owns 33 shares; J. A. McCrossen, one share; J. A. McCrossen, trustee, 31 shares; E. J. Cotton, one share; E. B. McClanahan, 33 shares; F. Wunderberg, one share.

The application is signed by the Hawaii Ditch Company, Limited, by Samuel Parker, its president; E. B. McClanahan, its secretary; and F. Wunderberg, its treasurer.

Chester Doyle left for Lahaina last night. He goes on police department business, and will be away for a month.

PORTO RICAN BADLY CARVED

Two Porto Ricans figured in a cutting scrape yesterday, which may result fatally. It appears that yesterday afternoon Santiago Frontana and Toma Tobe had a quarrel on Numanu valley, during which the former whipped out a razor and carved Tobe's side, inflicting a fatal gash several inches long and penetrating to the bone. After Santiago had done the cutting he threw the razor away. A man who happened to witness some of the trouble telephoned to the police station and prevented Santiago's escape until the wagon arrived.

Last night it was reported from the Queen's hospital that Toma Tobe was in a critical condition. No definite charge has yet been preferred against Santiago.

The plaintiff having closed Mr. Kinney moved that the evidence relating to the tax returns made by the Bishop Estate trustees be stricken from the records, and the jury instructed to disregard such testimony. The motion was based on the fact that the law provided an assessment value of eight times the annual rental, and the evidence of Deputy Assessor Archer was that he knew of this. The court refused to grant the motion.

J. A. Low, manager of the Honolulu Plantation, was then sworn as the first witness for the respondent and was on the stand for the entire day. He said he had been in the sugar business for twelve years and had observed the land in question upon the Bishop Estate nearly every day for some time. For the past three years he said he had been making experiments with the soil of similar nature and also examined this land before it had been leased by the Honolulu Plantation Co. He stated that he had gone over it carefully, digging holes at stated intervals, and in that way ascertaining the depth and character of the soil. This soil had been analyzed and compared with that of the Ewa Plantation and after he had obtained the opinions of various sugar managers he leased it.

To the question by Mr. Kinney as to what this land was capable of producing Mr. Dunne objected on the ground that it had never produced anything and it was common knowledge that sugar lands differ in availability and productiveness. This question of admission was argued for nearly two hours by opposing counsel and the court at the afternoon session allowed the witness to answer.

Mr. Low's reply was that land of this character would raise three crops of sugar in fifty months, and that the land would average from sixty to eighty tons of cane per acre. Witness estimated the value of the sugar land, 387 acres in all, at \$300 per acre. He made no estimate of the value of Kualoa Island and said it was but two feet above the sea level.

The court refused to allow the admission of evidence that Dr. McGrew wanted to sell his land for \$1,000 an acre, or rental value of land adjoining, or near that of the Bishop Estate. The attorneys had been arguing about matters of evidence, and quoting authorities all day and Judge Estee refused to hear argument from Mr. Kinney on the question of rentals. Mr. Kinney then noted an exception adding that the court had overruled the question and refused to hear argument from counsel.

Judge Estee added another ruling to the effect, "The court makes this ruling because counsel have been arguing cases all day, and this ruling is made only with the intention of promoting public business and advancing the trial of this case."

Mr. Low testified next that the price of sugar on the plantation on the sixth day of January when this suit was brought, was seventy-five dollars per ton, but the shipping expenses would have to be deducted from this amount.

The court refused to allow any testimony upon the common belief as to the benefits likely to arise to the lands because of the probable construction of the naval station. The request of Mr. Kinney that Captain Pond's evidence on this point be also stricken out, was not passed upon as the court was not certain that the naval officer had testified to that effect. Court adjourned at this point.

HAD A GOOD TIME

A. J. Snell wanted to attend a party, but was afraid to do so on account of pains in his stomach, which he feared would grow worse. He says: "I was telling my troubles to a lady friend, who said: 'Chamberlain's Colic, Cholera and Diarrhoea Remedy will put you in condition for the party.' I bought a bottle and take pleasure in stating that two doses cured me and enabled me to have a good time at the party."

Mr. Snell is a resident of Summer Hill, N. Y., U. S. A. This remedy is for sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

Will any person having a copy of the New York Evening Post, containing an exhaustive editorial defense of Governor Dole from the charges made against his administration by Judge Humphreys, favor the Advertiser with a copy?

THE KOHALA WATER SHED

Company is Formed to Conserve Supply.

Simultaneously with the departure for Washington of Colonel Samuel Parker, J. A. McCrossen, Geo. W. Davis and others interested in the Kohala water supply yesterday, there was filed with Treasurer Wright an application for articles of incorporation of the Hawaii Ditch Company, Limited.

Messrs. Parker and McCrossen before they return expect to bring with them a franchise or grant by Congress, permitting the Hawaii Ditch Company to conserve the water supply of the Kohala mountains in whatever way they deem best.

The company incorporated here yesterday has a capital of \$10,000, but the limit to which stock may be increased is \$50,000.

Relating to the object of the corporation, the articles say:

"The business and purpose for which this corporation is organized are to build, construct, supply, maintain and operate on the Island of Hawaii, in the Territory of Hawaii, a system or systems of surface, underground, either or both, supply and irrigation water ditches or tunnels, canals, flumes, and inverted siphons with their necessary and useful appendages and apparatus to tunnel and bore for, gather, conserve, and impound water therefrom, and to acquire, own and lease real estate, * * * which may be required to construct and maintain said systems of supply, etc., together with impounding and storage reservoirs, etc."

In the same paragraph it is stated: "Said systems to be owned, constructed, supplied and operated by means of gravity, or steam or electricity, or hydraulics or any of them, and to operate such power works and machinery necessary to accomplish the purpose for which this corporation is organized."

By virtue of the articles the company is given the right to take over contracts, leases, franchises, etc., from public or private corporations, the Territorial or United States governments, or individuals, also to hold and deal in stocks and bonds of other corporations; and to issue its own bonds and secure the same by deeds of trust, but at no time to be indebted to exceed the amount of the capital stock, etc."

Paragraph four provides that the corporation may sue and be sued, can appoint subordinate officers, and make by-laws, not inconsistent with the charter, and to issue notes and other evidences of debt."

Section 5 provides for the succession of the company by its corporate name for a term of fifty years.

Section 6 provides that the capital stock of the company shall be \$10,000, divided into 500 shares of \$10 each, with the option of increasing said capital to a sum not to exceed \$50,000.

Section 7 provides for the election of officers, and Section 8 provides that the stockholders shall not be liable for the debt of the corporation.

The articles are signed by Samuel Parker, who owns 33 shares; J. A. McCrossen, one share; J. A. McCrossen, trustee, 31 shares; E. J. Cotton, one share; E. B. McClanahan, 33 shares; F. Wunderberg, one share.

The application is signed by the Hawaii Ditch Company, Limited, by Samuel Parker, its president; E. B. McClanahan, its secretary; and F. Wunderberg, its treasurer.

Chester Doyle left for Lahaina last night. He goes on police department business, and will be away for a month.

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WHARF AND WAVE.

ARRIVED.

Tuesday, December 3.
Am. bkt. Encore, Palmyra, from Newcastle.
S. S. Tamico, from Seattle.
Sir. Nilau, Thompson, from Kauai ports.
Schr. Charles Levi Woodbury, Hilo, from Hilo.

Wednesday, December 4.
Am. bk. Joseph L. Euston, Rainier, from New Castle.
Sir. Makaha, Gregory, from Kauai ports.
Schr. Lady. Nelson, from Kauai ports.
Schr. Kawaiian, from Koolau ports.

Thursday, December 5.
Am. bk. Olympia, Gibbs, from San Francisco.

DEPARTED.

Tuesday, December 3.
Str. W. G. Hall, S. Thompson, for Kauai ports; 5 p. m.
Schr. Claudine, Freeman, for Maui ports; 5 p. m.

Str. Kinau, Clarke, for Hilo and way ports; 12 m.
U. S. A. T. Rosecrans, Dobson, for Manila.

S. S. Peru, Pillsbury, for San Francisco; 5 p. m.

Schr. Concord, for Paiau; 11 a. m.
Am. schr. W. H. Marston, Curtis, for San Francisco.

Schr. Kauai, Dower, for Hamakua and Hilo ports; 2 p. m.

Wednesday, December 4.

Str. Iwani, Greene, for Lahaina, Kaanapali, Kukuhale and Honokaa; 4 p. m.

Str. Nilau, Thompson, for Anahola, Hanamaua, Ahukini and Eelele; 5 p. m.

Schr. Waialua, for Maui and Molokai ports.

Schr. Lady. Nelson, for Koolau ports.

S. S. Alameda, Herriman, for San Francisco; 3 p. m.

Str. Lehua, Napela, for Molokai and Maui ports; 5 p. m.

Thursday, December 5.

Schr. Kawaiian, for Koolau ports; 5 p. m.

Str. Makaha, Gregory, for Eelele, Makaweli, Waimea and Kokaha, and mail and passengers only for Koloa; 4 p. m.

Schr. Charles L. Woodbury, Harris, for Hilo; 5 p. m.

Schr. Waialua, for Kahului; 11 a. m.

Steamer Movements.

ARRIVE.

Name	From	Date
Doris—S. F.		Dec. 10
Sierra—S. F.		Dec. 11
Nippon Maru—S. F.		Dec. 18
Mlowera—Victoria		Dec. 21
Alameda—S. F.		Dec. 22
Peru—S. F.		Dec. 26
Sonoma—S. F.		Jan. 1
Coptic—S. F.		Jan. 4
American Maru—S. F.		Jan. 11
Alameda—S. F.		Jan. 11
Aorangi—Victoria		Jan. 18
Peking—S. F.		Jan. 18
Ventura—S. F.		Jan. 22
Gaelic—S. F.		Jan. 28
Alameda—S. F.		Feb. 1
Hongkong Maru—S. F.		Feb. 6
Sierra—S. F.		Feb. 12
China—S. F.		Feb. 14
Moana—Victoria		Feb. 15
Doris—S. F.		Feb. 22
Alameda—S. F.		Feb. 22
Nippon Maru—S. F.		March 4
Sonoma—S. F.		March 4
Peru—S. F.		March 12

DEPART.

Name	For	Date
Sonoma—S. F.		Dec. 10
Coptic—S. F.		Dec. 10
Aorangi—Victoria		Dec. 18
America Maru—S. F.		Dec. 20
Alameda—S. F.		Dec. 25
Peking—S. F.		Dec. 27
Ventura—S. F.		Dec. 31
Gaelic—S. F.		Jan. 3
Hongkong Maru—S. F.		Jan. 11
Moana—Victoria		Jan. 15
Alameda—S. F.		Jan. 15
China—S. F.		Jan. 26
Sierra—S. F.		Jan. 26
Doris—S. F.		Feb. 1
Alameda—S. F.		Feb. 1
Nippon Maru—S. F.		Feb. 5
Sonoma—S. F.		Feb. 6
Peru—S. F.		Feb. 6
Coptic—S. F.		Feb. 6
Alameda—S. F.		Feb. 6
America Maru—S. F.		March 4
Ventura—S. F.		March 4
Peking—S. F.		March 12
Alameda—S. F.		March 12

LIFE ON THE MULE LINE.

Old Men Threatened for Putting Fare in the Box.

Two old men, natives, boarded one of Pain's arks on the King street line last evening in the downtown district. One of them went to the forward part of the car where the antiquated fare-box is to be found, over which is the legend, "Passengers are requested to pay their fare upon entering the car." The old man, following the ancient custom of the tram line, deposited ten cents in the box in payment for himself and companion. A big Portuguese who has risen from the humble occupation of a driver of decrepit ark mules to the dignity of a collector of fares between the Oahu Railway depot and Thomas Square, immediately hustled up and shaking his hand in the old man's face demanded why he put his hand in the box.

"Why didn't you pay your fare to me? don't you know better than to put your money in the box when the conductor is on board?" he shouted.

The conductor continued his bullying until a passenger jumped to his feet and abruptly told the conductor if the latter had talked to him in that manner he would close up one or both of his eyes. The conductor subsided and shut down the lid over the fare-box which then revealed another legend, "Please pay at the other end."

At that moment a big strapping, laborer, evidently a carpenter, stepped into the car, and walking up to the box just closed, lifted the lid, deposited his nickel in the slot, closed the lid again and took a seat. The conductor was apparently busy just then in counting change and adjusting the rear brake.

Mrs. Tava, who was shot by her husband at McCully tract the other night, is doing very nicely.

NOTICE TO POETS.

The Advertiser desires to get a poem on the New Year from every writer of verse in Hawaii, to be incorporated in the special edition of January first. The poems should be sent in within the next week or ten days.

LOCAL BREVIETIES.

Mail is due Saturday by the trans- port Eghert.

Miss Wong Kong, a graduate of the Normal School, met with a serious accident by falling from a horse at Wailea, Maui.

The mercury report for the month of November shows seventy-four deaths during that period, a comparatively small number.

James H. Painter, of Wailuku, Maui, has filed a petition in bankruptcy in the Federal Court. His liabilities are listed at \$1,722.78, and assets, \$1,322.

The day set for the opening of tenders for the construction of a road from the head of Makiki street to the top of Tantalus has been postponed until December 13.

The Supreme Court heard the concluding arguments in the case of Smith vs. Hamakua Mill Company yesterday. Today court will adjourn until the January term.

J. J. Dunne, appointed United States attorney by Judge Estes, has sent his application to Washington for a permanent appointment to the place made vacant by the death of J. C. Baird.

Joseph E. Emerson is engaged in surveying the land for an industrial school at Waialua. Until that work is completed no effort will be made to secure plans for the proposed buildings.

The contractors for the sub-structural work on the Lewers & Cooke building are working at night now. Last night a large gang of men were laying the cement flooring for the basement, which is to prevent the tide water from coming in.

Now it is a new "society" weekly that will be launched in Honolulu. The first number will make its appearance in a few weeks. The new aspirant for journalistic honors will be known as The Gossip, and will treat of athletic, as well as social matters.

Yesterday morning the steamer Katai came off the Marine Railway, Katai who she has been undergoing extensive repairs. She was taken over to Emma's wharf, where the repairs are to be finished. She will probably be ready for the sea in a few weeks.

The captains of local Island steamers are complaining that the present position of the Wisconsin makes the entering of this harbor by night a very difficult matter as the battleship is shutting off the fair way buoy, from which these vessels generally take their bearings.

It is evident that the drivers of the watering carts on the waterfront have an intense dislike for driving in the dust. Yesterday clouds of dust which scalded the Biblical dust pilar in height and denseness made the Esplanade exceedingly disagreeable, but no watering cart have in sight.

The Mikahala reports the steamer James M. Kake discharging freight at Kilaeua. The Waiialeale was at Eelele, also discharging freight. A light swell started to run in at Waimea and Makaweli as the Mikahala left. Crossing the channel light northeasterly winds with smooth seas were experienced.

The annual sale of licenses to sell awa will be held at the Capitol building at noon on Friday, December 6.

The sale will take place in other districts on the same day, but on any hour which the sheriff may choose. The up- set price is \$1,000 in Honolulu, \$500 in Hilo, \$500 in Wailuku, \$250 in Lahaina, and \$100 in all other districts.

The delegates elected by the local Anti-Saloon League to represent this Territory at the league convention at Washington, D. C., December 3, 4 and 5 next, are Hon. and Mrs. J. B. Atherton, Hon. H. P. Baldwin, Rev. W. K. Aabill and Mr. Walter C. Weedon. Mr. Baldwin has given up going, but the others are expected to attend.

Wilson Mahiko, the sixteen-year-old native boy who was fined \$500 for forging a money order, will not have to serve out his sentence at the rate of 50 cents a day. At the end of thirty days he will be allowed to come into court and plead the poor convict's act, and be released. This clemency is shown because of the extreme youth of the defendant and various mitigating circumstances.

The Board of Health will meet in special session this afternoon to further consider the removal of the slaughter-houses from Iwilei. At this time the butchers are to present any plan they may have formulated for the removal. An effort will be made to get the government to set apart a tract of land in the outskirts of the city, where all the slaughter-houses may be located. A large tract in Kauai is desired for the purpose, but it is not known whether the land in question is owned by the United States or by the Territory.

REV. S. H. DAVIS RESIGNS CHARGE

Rev. S. H. Davis, who, for thirty years has been the minister in charge of the Anglican parish in Kona, Hawaii, is about to resign his charge and retire from active work in the ministry. A resolution was presented to the Anglican synod last night whereby this was made public, in which it was proposed to provide a remuneration for Mr. Davis' services as of the retired list. Rev. Mr. Davis has been a faithful worker in the district in which he has resided and preached so long, and owing to his long service and a hardness of hearing, he has decided to retire.

George Lycerius to C. I. Peixoto, lots 5 and 6, Kaili Place, Honolulu, Oahu, Consideration, \$3,075.

Harry C. Davis and wife to H. P. Eakin, lot 48, block A, Kulaokahua, Honolulu, Oahu, Consideration, \$25; mortgage, \$1,500.

H. P. Eakin to Q. H. Barry, lot 49, block A, Kulaokahua, Honolulu, Oahu, Consideration, \$140; mortgage, \$1,975.

Luakia Brown and husband to Hans Isenbeck, piece of land, Puanaki, Kauai, Consideration, \$800.

James Hilton to Olala Sugar Co., Ltd., right of way for a flume across lot 21, Olala, Puna, Hawaii, Consideration, \$1,000.

Kahoamakauhi to Keliheleia, 3½ acres land, Kawaiapapa; 1 acre hill land of Kahananui, Hana, Maui, Consideration, \$40.

December 2—Honolulu Industrial Co., Ltd., to B. F. Dillingham & Co., Ltd., six leaseholds, buildings, etc., Honolulu, Oahu, Consideration, \$1.

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